

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI

In Re:	)	
	)	
AMANDA L DUNCAN	)	Case No. 12-43831-759
	)	
Debtor,	)	Chapter 13
	)	Response to Objection of Claim 3 of
	)	Barathaven Residential Homeowners Assn.
	)	
BARATHAVEN RESIDENTIAL	)	
HOMEOWNERS ASSOCIATION	)	Sarah M. Bueltmann 58317, MBE 58317
	)	Law Office of Marvin J. Nodiff, P.C.
	)	500 N. Skinker Boulevard
Creditor.	)	St. Louis, MO 63130

**CREDITOR BARATHAVEN RESIDENTIAL HOMEOWNERS ASSOCIATION**  
**RESPONSE TO OBJECTION OF CLAIM 3**

COMES NOW Barathaven Residential Homeowners Association ("Association"), by and through counsel, and in response to Trustee's Objection to Claim 5 states:

1. Association at all times mentioned herein was and is a nonprofit corporation organized and existing under the laws of the State of Missouri with its principal place of business in St. Charles County, Missouri.
2. Association is the unit owners' association of Barathaven Subdivision ("Subdivision") created pursuant to the Declaration of Covenants, Conditions and Restrictions for Barathaven, as may be amended ("Declaration"), and as recorded in the official records of the Recorder of Deeds Office of St. Charles County, Missouri in Book DE4451, Page 972; a copy of the pertinent portions of the Declaration is attached hereto labeled Exhibit "A" and incorporated herein by reference.
3. Debtor, Amanda L. Duncan, is the record owner of real property within the Subdivision commonly known and numbered as 2035 St. Madeleine Dr., O'Fallon, MO 63368 ("Lot"), to wit:

Lot B-73 of Barathaven, a subdivision in St. Charles County, Missouri, according to the plat thereof recorded in Plat Book 43, Pages 120-131 of the St. Charles County Records.

4. On or about March 25, 2011 the Association demanded payment from Debtor for unpaid assessments.
5. On or about November 4, 2011, the Association filed suit in St. Charles County, Missouri for unpaid assessments in Cause No.: 1111-CV09970.
6. The Association obtained a default judgment against the Debtor in the amount of \$5,215.45.
7. The Association is entitled to reasonable attorney's fees pursuant to the Declaration.
8. Trustees Objections are based upon Association's interest in the property as a security interest.
9. Amanda Duncan retained the property at the time of filing his Chapter 13 Petition.
10. Amanda Duncan remains the legal owner of record.
11. The Association continues to provide services and maintenance that benefit this property and Amanda Duncan.
12. Failure to pay the Association's claim prejudices the Association in relation to other creditors.

WHEREFORE, Association prays this Court to deny the Trustee's Objection to Claim 5 and for such other relief as this Court deems proper and just.

Respectfully submitted,

Law Office of Marvin J. Nodiff, P.C.

By: /s/ Sarah M. Bueltmann  
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**CERTIFICATE OF SERVICE**

The Notice of Electronic Filing indicates that the following parties were served with this document via the Court's CM/ECF system or by ordinary mail, postage pre-paid, on this 29th day of June, 2012.

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***Trustee***

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\_\_\_\_\_  
/s/ Sarah M. Bueltmann